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May 30, 2025

**By ECF**

Hon. Diane Gujarati  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *Banurs v. Li Auto Inc. et al.*, Case No: 1:24-cv-03470 (E.D.N.Y)

Dear Judge Gujarati:

We represent Lead Plaintiff Low Chig Wee and named plaintiff Yves S. Dorvil (“Plaintiffs”) in the above-referenced action. Pursuant to Your Honor’s May 16, 2025 order, issued at the pre-motion conference, we respectfully write to inform the Court of Plaintiffs’ intent to seek leave to amend the Amended Complaint (Dkt. 30).

Specifically, Plaintiffs seek leave to amend the Amended Complaint to include, *inter alia*, (i) facts to bolster their allegations that Defendants knew that two important factors — the significant reallocation of substantial resources away from the L series and the significantly delayed construction of supercharging station infrastructure — would cause the first quarter’s actual results to materially differ from their optimistic outlook; and (ii) allegations that Defendant Li Auto Inc.’s March 21, 2024, press release, which revised the company’s first-quarter 2024 vehicle delivery outlook, was materially misleading and actionable for omitting the aforementioned two important factors as the reasons for the downward adjustment of the delivery outlook, in addition to the stated reason of “lower-than-expected order intake.”

Defendant Li Auto Inc. (“Li Auto”) does not oppose Plaintiffs’ request for leave to amend, but reserves all rights, including to argue that any new allegations likewise fail to state a claim and that Li Auto’s forthcoming motion to dismiss should be granted with prejudice. (*See* Pre-Motion Conf. Tr. at 30:16-31:5 (“THE COURT: What I am not inclined to do is to have you go through motion to dismiss briefing on a complaint, and then to have a request for amendment. . . . So I would be inclined to allow a further amendment if there is -- if plaintiffs believe there is more that they can add, understanding that if a motion to dismiss is brought, that it is unlikely, if granted, that the Court would give leave to amend at that stage.”).)

The parties jointly propose the following briefing schedule:

- Plaintiffs shall file their Second Amended Complaint on or before **June 6, 2025**.
- Li Auto shall serve its motion to dismiss on or before **July 21, 2025** (45 days after the deadline for the Second Amended Complaint);
- Plaintiffs shall file their opposition on or before **September 4, 2025** (45 days after the deadline for service of the motion to dismiss); and
- Li Auto shall serve its reply brief on or before **September 25, 2025** (21 days after the deadline for service of Plaintiffs' opposition).
- The motion papers shall be served and filed in accordance with Rule III.B.4 of the Court's Individual Practice Rules.

Plaintiffs respectfully request the Court's approval of Plaintiffs' request for leave to amend and the jointly proposed schedule. Thank you for Your Honor's consideration of this matter.<sup>1</sup>

Respectfully submitted,

/s/ Jing Chen  
Jing Chen

cc: All counsel (via ECF)

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<sup>1</sup> Plaintiffs reserve their right to amend the operative complaint. *See Loreley Fin. (Jersey) No. 3 Ltd. v. Wells Fargo Sec., LLC*, 797 F.3d 160, 190-91 (2d Cir. 2015) (remanding with instructions to grant the requested leave to amend the complaint, noting that "[w]ithout the benefit of a ruling, many a plaintiff will not see the necessity of amendment or be in a position to weigh the practicality and possible means of curing specific deficiencies").